FILED

JUN - 5 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Jesus Esteban GARCIA-Acosta (1), Roberto Alejandro SUAREZ-Alvarez (2), Defendants.	Magistrate Case No.: '08 MJ 8507 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about June 4, 2008, within the Southern District of California, defendants Jesus Esteban GARCIA-Acosta and Roberto Alejandro SUAREZ-Alvarez did knowingly and intentionally import approximately 101.68 kilograms (223.69 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th, DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Jesus Esteban GARCIA-Acosta (1)
Roberto Alejandro SUAREZ-Alvarez (2)

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon Wood.

On June 4, 2008, at approximately 2150 hours, Jesus Esteban GARCIA-Acosta and Roberto Alejandro SUAREZ-Alvarez entered the United States at the Calexico, CA West Port of Entry (POE). GARCIA was the driver of a 2006 Ford Fusion and was accompanied by Roberto Alejandro SUAREZ-Alvarez.

Primary Customs and Border Protection Officer (CBPO) A. Lopez received a negative Customs declaration from GARCIA. GARCIA stated to CBPO A. Lopez he was returning from a visit with his grandmother in Mexico. GARCIA stated he had been in Mexico one day. CBPO A. Lopez noticed GARCIA was hesitant and waited to answer questions. GARCIA stated the vehicle belonged to SUAREZ. SUAREZ stated he was the owner of the vehicle. CBPO A. Lopez asked SUAREZ why GARCIA was driving his vehicle. SUAREZ hesitated to answer and then stated, "because he was supposed to drive back."

CBPO A. Lopez inspected the vehicle and asked GARCIA to open the trunk. CBPO A. Lopez opened the trunk and noticed large plastic wrapped packages inside. CBPO Lopez escorted GARCIA, SUAREZ and the vehicle to secondary.

In secondary, nineteen (19) packages were found concealed within the trunk. One of the packages was probed which produced green, leafy substance that tested positive for marijuana. The total weight of the packages was 101.68 kilograms (223.69 pounds).

Special Agent Brandon Wood advised GARCIA and SUAREZ of their rights per Miranda. GARCIA and SUAREZ stated they understood their rights and agreed to answer questions without the presence of an attorney.

GARCIA and SUAREZ admitted knowledge that a controlled substance was concealed within the vehicle. GARCIA and SUAREZ both stated that they were to each receive $2,500.00 to smuggle drugs into Calexico. GARCIA stated they were to be paid an undisclosed amount of money for taking the vehicle to Los Angeles.